



Ohio Revised Code

Section 6111.564 Final TMDL; appeal.

Effective: September 29, 2017

Legislation: House Bill 49 - 132nd General Assembly

(A) A final TMDL established by the director of environmental protection or a United States environmental protection agency approved TMDL may be challenged during the appeal of an NPDES permit containing TMDL-based effluent limits, pretreatment limits derived therefrom, or other terms and conditions based on that TMDL before the environmental review appeals commission in accordance with Chapter 3745. of the Revised Code.

(B) In the case of a TMDL-based permit appeal by a publicly owned treatment works, the environmental review appeals commission shall join as parties to the appeal, subject to a right of voluntary dismissal, all significant industrial users listed in those NPDES permit holders' annual pretreatment program reports who are known to discharge a significant amount of a pollutant limited by the TMDL into the publicly owned treatment works.

(C)(1) In the case of an NPDES permit issued in draft or final form to a publicly owned treatment works that contains TMDL-based effluent limits, pretreatment limits derived therefrom, or other terms and conditions based on that TMDL, the director shall notify the NPDES permit holder and all significant industrial users listed in that NPDES permit holder's annual pretreatment program report that are known to discharge a significant amount of a pollutant recommended to be limited by the TMDL and for whom a new or modified pretreatment limit may be required.

(2) The director shall include in the notice, at a minimum, both of the following:

(a) A statement that the TMDL-based effluent limits or other terms and conditions based on the TMDL may result in more stringent direct or indirect discharge limits;

(b) A statement that notifies the significant industrial users that an appeal of the NPDES permit may be filed by a significant industrial user with the environmental review appeals commission in accordance with Chapter 3745. of the Revised Code.



(D)(1) A direct or indirect discharger pursuing an appeal or an indirect discharger joined to an appeal shall not be dismissed from the proceeding on grounds that the matter is not ripe for review.

(2) A challenge of TMDLbased effluent limits, pretreatment limits derived therefrom, or other terms and conditions based on that TMDL during the appeal of an NPDES permit shall not be dismissed on grounds that the matter is not ripe for review.